

## COMPUTERISATION AND THE ADMINISTRATION OF JUSTICE

### Consultant's report for BARBADOS

#### TABLE OF CONTENTS AND PLAN

	page
<b>PART 1 — INTRODUCTION</b>	
• Background	1
• Object of report	2
•	
<b>PART 2 — THE DEPARTMENTS</b>	
• LEGISLATIVE DRAFTING	2
• LAW REVISION/LAW REFORM	4
• PRODUCTION OF LAWS	5
• ALTERNATIVE SENTENCING	6
<b>PART 3 - SUMMARY</b>	7

#### PART 1 — INTRODUCTION

##### **Background**

The Commonwealth Secretariat has been concerned for many years to assist in maintaining the rule of law by making laws accessible and generally assisting in the delivery of justice.

A workshop was convened in Barbados in August 1997 to explore the possibility of countries making use of the Bermuda legislative drafting software or other systems for law revision. It emerged from this workshop that the primary need was to have an independent consultant visit the various countries of the region to report upon their information technology needs. Many reported that they were inundated with advice about computer and other systems from suppliers, but that failure and wastage were common results and there was no coherent overall plan.

The Commonwealth decided to appoint a consultant to report for the countries upon these matters, and to convene another workshop, in March 1998, to settle the terms of the proposed consultant's report for them.

To assist this second workshop, pilot studies were decided upon - in St. Lucia and Barbados. These Pilot studies would form the basis of considerations at the second workshop.

This is the draft report arising from the pilot study of Barbados conducted by the Commonwealth Secretariat's consultant, Neil Adsett, in early March 1998.

### **Object of report**

The plan in compiling this report for Barbados was to focus upon the aspect of legislative drafting and law revision, and in so doing, to -

- consult with the key Government lawyers and officers and to record their views;
- to note the present position, the aspirations of the lawyers and officers; the problems and the practicalities;
- to assess the needs – short term and long term, and the possibilities and problems;
- to propose practical solutions and a plan, with an indication of the way forward and especially if and how CFTC could be approached to fund a project within the overall plan.

## **PART 2 —THE DEPARTMENTS**

### **LEGISLATIVE DRAFTING**

#### **Background**

Legislative drafting is carried out by the Parliamentary Counsel's Office that is part of the Attorney General's Office. The office is modern and well appointed. Its function is to draft the principal and subsidiary legislation required by the Government.

In compiling this part of this report, I met with the following officers –

#### **Professional**

The Solicitor General, Ms. Kaye Goodridge

The Chief Parliamentary Counsel, Ms. Shirley Bell

The Deputy Chief Parliamentary Counsel, Ms. Cynthia Herbert

The Permanent Secretary, Mr. Lionel Nurse.

#### **Law Revision support staff**

Ms. Pearl Reifer, Ms. Arlene Stuart and Ms. Suzette Mayers.

#### **Computer experts, consultants to the Parliamentary Counsel's Office**

Mr. Gerry Lord and Mr. Stephen Brathwaite.

#### **Operational Systems**

The office is well organized with computers. The standard word processing program being used is Pagemaker 6.5. None of the professional staff use computers in their work. Drafters write their drafts in long hand and have them processed by support staff and the drafters then correct and amend the resulting drafts.

We discussed this system and whether any problems were inherent. I suggested that Pagemaker was a specialist program that is difficult to learn and not widely used outside the printing and desktop publishing fields. I wondered if the use of this software was the reason that none of the lawyers were using computers.

All of the support staff and the computer experts told me that they were happy with Pagemaker and that it was becoming easier, in its latest versions, for ordinary users to master. They have a standard legislation template that laws fit into and when this is used there is not too much mastery involved.

They did concede that commonly used word processing software (WORD, Word Perfect) was now able to do the desk top publishing work that formerly only the specialised software such as Pagemaker could do. It was also recognized that staff coming to the office had to be trained in the software, that departmental drafts were not compatible, and that for everyday use, WORD would be installed on the Office's computers.

All of the lawyers, notably the Chief Parliamentary Counsel, would like to be able to use computers in their work and would welcome training in computer operation. There is a facility within the Barbados government to train staff.

The computer experts had been involved recently in a project to convert the office support staff to the use of the one software program and were arranging training for the staff.

We discussed the possible advantages for drafters, of being able to draw down and adapt drafts, use computers for research and precedent finding, and to enable networking between offices.

### **Information systems**

Computer experts are currently setting up a network within the Attorney General's Office.

The law revision unit is dealt with separately in this report.

There are Barbados case reports, presently up until 1992.

### **Problems**

It emerged that there was considerable duplication in the process of producing laws. At present, after the drafts of laws are processed and refined in the Parliamentary Counsel's Office, and discussed and agreed with the instructing Departments, they are approved at Cabinet level and then sent to the Government Printer to be printed as a Bill.

At this stage, it transpired that the Government Printer was re-typesetting the entire law, and then having it proof read again – a slow process likely to introduce errors unbeknownst to the drafters.

Nobody was sure why this was happening. The Chief Parliamentary Counsel asked Ms. Mayers and Ms. Forde from the Government Printing Office to come to our meeting to discuss the situation. It emerged that there had been a general lack of communication, and it was agreed that in future all legislation could be given to the printer on disc to avoid this duplication of work. I was invited to meet with the Government Printer to assist and advise further in these areas (especially the added cost, delay and wastage of having varying page sizes of laws at different stages of the production process – Bills, Acts and revised laws).

### **Recommendations**

The legal drafting arrangements are well organized and there are adequate resources within Barbados to ensure that this continues. There is no help that the Commonwealth Secretariat can give here.

## **LAW REVISION AND LAW REFORM**

### **Background**

The law revision unit within the office is well established and up to date with its work, but there is delay at the printing stage so that I was advised that the last revision published takes the law to the end of 1994. The Laws of Barbados is a publication in loose leaf format in 21 volumes (13 volumes Primary and 8 volumes subsidiary), and each year a law revision package of replacement pages is prepared to bring the revised edition up to date.

The unit is headed by a law revision consultant – for many years this has been Mrs. Bourne-Hollands who is now about to retire and be replaced by Mr. George Griffith, recently the Chief Parliamentary Counsel of Bermuda. The unit also has several secretarial assistants.

When new laws are published in the Gazette, they are processed by the law revision unit. Amendments are incorporated into the current loose-leaf revised edition of the laws of Barbados. This is done by reproducing the affected pages of the revised edition showing the law as amended. These pages are then collected together and each calendar year they are sent to the Government Printer, together with instructions to users that tell them which pages to discard and insert.

The existing laws have already been scanned with the exception being the most recent revised pages (updates). Therefore, there is in existence an electronic database which includes both the images mentioned and the scanned version as a document.

We discussed the accuracy of the result – I advised that in my experience it is necessary to fully proof-read the result and that extensive corrections will need to be made.

It is an interesting interim compromise devised by the computer consultants, to have the database composed of scanned pages viewed as images. They will therefore be like photocopies – exactly correct but not able to be used in the same way as a document – e.g. you could not search the document or amend it or update it. The plan is to do this and also have a scanned version as a document available alongside. The document will not be accurate enough to be official law until it is proof-read and corrected, but could be used for word searching etc. and could be used as raw material for the law revision.

### **Problems**

Two problems became apparent as the law revision process was reviewed -

- It transpired that after a law is typeset once by the drafters, and then typeset again by the Government Printer (this should change, see above), and the law is enacted or made and comes to the law revision unit, it is *again* being re-typeset for inclusion in the law revision exercise. Nobody was sure why this was happening, and it was resolved that as part of the change in the system of giving the printer a disc of the law, the law revision unit would also use the initial electronic version for law revision purposes. The problem seems to have started because the printer was reformatting the law to its own style and therefore the enacted law differed from that prepared by the drafter. If the printer is not allowed to reformat at all, there should now be no need for more than the one initial typesetting by the drafting section. Any changes made, being correction of errors found by the printer's proof-readers (if they insist on proof-reading still) or changes required by the Parliamentary process, will be actually made by the drafting section.

- The printer is taking a long time to actually print the work. As a result of the changed procedures referred to above, it was anticipated that the printer would be able to perform its work faster. At the request of the meeting convened by the Chief Parliamentary Counsel, Mr. Griffiths and I arranged to meet with the Government Printer to secure these changes and improvements.

### **Recommendations**

The law revision unit in Barbados is working very well and could be a model for other countries. It works because it has for many years had an efficient and talented organizer and the unit is well resourced. It seems that with the appointment of the equally well credentialled Mr. Griffiths to the role of permanent consultant, Barbados will continue to have a successful law revision unit.

## **PRODUCTION OF LAWS**

### **Background**

The actual printing of laws seems separate from the administration of justice and therefore beyond the scope of this report, however the clients of the justice administration system only know and judge the system by its output, and I was asked to assist in ensuring a timely output of the laws.

The Government Printery is part of the Ministry of State within the Prime Minister's Office and is responsible for conducting all of the Government's printing. Its first priority is to produce the laws and it publishes the official Gazette twice a week.

Each year the printery plans to print 1000 sets of the law revision update material.

I met with Mr. Cumberpatch, the Government Printer, and with his deputy and the production manager, as well as with Mrs. A Mayers again.

### **Problems**

We discussed the production of the laws and all agreed that they were happy to take laws in the form of a disk in Pagemaker 6.5 format and that this would cut down on the work and speed it up. There had been problems in the past with mistakes in the law and that is one of the reasons why the printery has been re-typesetting the laws and proof-reading, even when camera ready copy was supplied. It was agreed that the best way forward was for the Attorney General's Office to start sending laws on disc from now on, and if there were any problems with this at the printer's end then the compositor's section (Ms. Mayers, Manager) would liaise with the Attorney General's relevant staff.

It was also clarified that the printery was happy to produce the laws at every stage in the same format and paper size, and would do this if so instructed. This would save a lot of time and money, although it was not immediately apparent how the same plates could be used throughout because of the different headers at different stages.

I confirmed that the Government Printery should be thinking along more commercial lines – they were producing a product that is in demand and should be priced accordingly. In other countries laws that are to be published in the Gazette are priced properly and not virtually given away with a subscription to the Gazette.

### **Assistance**

The Government Printing Office would like assistance in two areas –

- To identify a reliable source of the correct weight acid free paper for the production of the laws. At present the lack of paper is holding up the printing of the laws.

- It was reported that the printery badly needed new machinery and a proper business plan for its operation. It was not able to keep up with demand but needed help to restructure and become efficient. It was known that there is a demand within the region for a reliable printer for laws and other business from smaller countries, but the Barbados Government Printer was presently unable to keep up with domestic demand, let alone assist abroad.

An expert could visit for perhaps a month and help to define a long term strategy for the printery, and if as a result new machinery and practices were introduced, an expert would be needed to assist with implementation.

It did seem to me that there was a danger that the printery as presently set up could grind to a halt and let the legal system down. A regular Gazette containing weekly subsidiary legislation and laws at various stages is essential to the rule of law.

## **ALTERNATIVE SENTENCING**

### **Background**

During the week when this report was compiled, the Attorney General was engulfed in the annual Budget session of Parliament and was unable to free himself from his duties in the House. He did however, through his Permanent Secretary, advise me that of vital concern was the computerisation and organisation of the probation department to allow it to handle the increased use of alternative sentencing supervision. A new law is giving statutory basis to community service orders, conditional probation orders and the like, and unless such sentences were supervised, the community would be endangered and enraged.

Even now the Magistrates were making much greater use of such orders, as prisons become overcrowded and new more effective sentencing was sought.

I met with the Permanent Secretary Mr. Nurse, and with Mr. Mason the deputy Chief Probation Officer.

There are 10 probation officers in the field (2 managers) and their task is –

- Supervising 60-70 probationers each – reporting, counselling, checking conditions, arranging and supervising community work,
- Preparing pre-sentence reports for the court, and progress reports on the probation,
- Attending court to advise and be examined,
- As officers of the court, reporting on matters related to adoption, maintenance, custody, access, domestic violence, the mentally impaired.

### **The problem**

With the new Government initiative towards alternative sentencing that they would have to arrange and supervise, the Department is concerned that they will not be able to supervise orders and criminals may be lost in the system and unsupervised.

At present there are no computer records to assist with the work, or to enable statistics to be prepared.

A system is envisaged whereby at the police and court stage, details of offenders could be kept on a common (networked) database which would then flow to the probation section. There the system could keep track of offenders, their probation conditions, the

supervision required, their location at all times. This system would then enable the necessary report to the court to be generated easily.

It was thought that such a system could allow the alternative sentencing system to operate smoothly.

**Recommendation**

I advised that an approach could be made to CFTC for help with technical assistance to acquire the computer system (no doubt such systems are in use elsewhere) and implement it. This would take the form of an initial technical needs assessment by an expert in the field, and once Government had purchased the required hardware, software and other material recommended, a field expert would be needed to work in the system until it was operating correctly.

I undertook to advise the Permanent Secretary on how such a request could be made to the CFTC for its consideration.

**PART 3 SUMMARY**

**EXECUTIVE SUMMARY**

Barbados is in a relatively advanced stage of development in the computerisation of its legislative drafting and law revision fields.

Barbados does not need any specific assistance from the Commonwealth Secretariat in these areas.

In the fields of alternative sentencing and law production, there is help required, as detailed in this report.

Neil Adsett  
Bridgetown  
21 March 1998